

Notice of Allowability

Application No.

09/763,914

Examiner

MY-CHAU T. TRAN

Applicant(s)

STAHLER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/21/2005.
2. ☒ The allowed claim(s) is/are 1-6, 9, 10 and 34-36.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date See Attached Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060208.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


PADYASIN TONGKUMNIT
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Martha Cassidy on 02/08/2006.

The application has been amended as follows:

- a. For the Claims:
 - i. Please **cancel** Claim 11.
 - ii. Claim 4, line 3, the term 'which' has been replaced with --**"an said channels"**--.
 - iii. Claim 6, line 1, after the phrase 'claim 5' the punctuation ',' have been deleted.
 - iv. Claim 34, line 2, after the phrase 'claim 1' the punctuation ',' have been deleted.
 - v. Claim 35, line 2, after the phrase 'claim 1' the punctuation ',' have been deleted.
 - vi. Claim 36, line 2, after the phrase 'claim 1' the punctuation ',' have been deleted.
- b. For the specification:
 - i. On page 6, line 20, the phrase "as claimed in claim 1" have been deleted.

- ii. On page 6, line 36, the phrase "Claims 2 to 13 relate to preferred" has been replaced with --"**In**"--.
- iii. On page 6, line 37, the phrase ". The" has been replaced with --"**, the**"--.
- iv. On page 7, lines 18-19, the phrase "as claimed in claim 14" have been deleted.
- v. On page 8, line 1, the phrase "Claims 15 to 25 relate" has been replaced with --"**The invention also relates**"--.
- vi. On page 8, line 5, the phrase "Claim 26" has been replaced with --"**The invention also**"--.
- vii. On page 8, lines 13-14, the phrase "as claimed in claim 28" have been deleted.
- viii. On page 8, line 22, the phrase "as claimed in claim 29" have been deleted.
- ix. On page 8, lines 30-31, the sentence "Claims 30 and 31 relate to preferred refinements of these apparatuses." have been deleted.
- x. On page 8, line 36, the sentence "Claims 33 to 38 relate to preferred applications." have been deleted.

2. The following is an examiner's statement of reasons for allowance:

The instant claims are allowed for the reason that the cited prior art(s) does not teach or fairly suggest the presently claimed method for producing a support containing polymeric receptors for determining analytes with the steps combination of 1) placing the support body between a programmable light source matrix and a detector matrix and 2) site-

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and/or time specifically immobilizing the building blocks on predetermined reaction positions in the channel or channels by illumination of the predetermined reaction positions by the programmable light source matrix, wherein the illumination position of the light source matrix is monitored by computer using the detector matrix.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. The information disclosure statements (IDS) filed on 10/27/2005, 11/21/2005, and 02/08/2006 have been reviewed, and its references have been considered as noted on PTO-1449 forms.

Conclusion

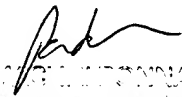
Any inquiry concerning this communication or earlier communications from the examiner should be directed to My-Chau T. Tran whose telephone number is 571-272-0810. The examiner can normally be reached on Monday: 8:00-2:30; Tuesday-Thursday: 7:30-5:00; Friday: 8:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang can be reached on 571-272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mct
February 15, 2006


PATENT INFORMATION
FEBRUARY 15, 2006